

- 28 **53A-10-101**, as enacted by Chapter 2, Laws of Utah 1988
- 29 **53A-10-108**, as last amended by Chapter 78, Laws of Utah 1990
- 30 **53A-10-111**, as last amended by Chapter 78, Laws of Utah 1990
- 31 **53B-10-101**, as last amended by Chapter 48, Laws of Utah 1991
- 32 **53B-10-102**, as enacted by Chapter 167, Laws of Utah 1987
- 33 **53B-10-103**, as enacted by Chapter 167, Laws of Utah 1987

34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **53A-1-501** is amended to read:

36 **53A-1-501. Membership -- Duties -- Advisory decisions -- Annual report.**

37 (1) (a) There is established within the state's educational system a joint liaison committee.

38 (b) The committee consists of the following:

39 (i) three State Board of Education members appointed by the board;

40 (ii) three State Board of Regents members appointed by the regents;

41 (iii) four members representing business and industry appointed by the governor from
42 nomination lists submitted by the president of the Senate and the speaker of the House of
43 Representatives;

44 (iv) the state superintendent of public instruction; and

45 (v) the state commissioner of higher education.

46 (c) A majority of the committee is a quorum for the transaction of business.

47 (d) (i) The four members representing business and industry shall serve without
48 compensation.

49 (ii) The governor shall appoint each of these four members to serve two-year terms and
50 may reappoint them to serve consecutive terms consistent with Subsection (1)(b)(iii).

51 (e) (i) The committee shall appoint a staff person to assist the committee and establish the
52 person's duties and compensation.

53 (ii) The staff person shall be officed at the State Office of Education and the costs
54 associated with this position handled within the existing budgets of the State Board of Education
55 and the State Board of Regents on an equal basis.

56 (2) The committee shall meet on a regular basis, at least bimonthly, and has the following
57 duties:

58 (a) to review and recommend the resolution of educational policy issues of mutual concern

59 to both boards, including such issues as the coordination of teacher education programs, concurrent
60 enrollment, advanced placement, the transition of students from high school to postsecondary
61 institutions, a tracking system that would allow the sharing of performance levels achieved by
62 graduates from both systems, the funding of public and higher education, and the transition of
63 students from school to work;

64 (b) to coordinate and facilitate the appropriate governance and administration of applied
65 technology education programs within the state's educational system;

66 (c) to assist in the effective correlation and articulation of educational programs under the
67 jurisdiction of the boards;

68 (d) to promote the implementation of policies, strategies, and practices designed to achieve
69 enhanced educational effectiveness and productivity at all levels of instruction, consistent with
70 Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) and the maintenance of educational
71 quality; and

72 (e) to review any proposed change in one system that impacts the other and develop a
73 process for communicating the proposed change to the other system for its input prior to
74 implementing the change.

75 (3) (a) Decisions of the committee are advisory and are not binding on either the State
76 Board of Education or the State Board of Regents unless the decisions are ratified by both boards.

77 (b) Any proposal for a change in governance or administrative procedures for state or
78 regional applied technology education programs that affects both public and higher education shall
79 be considered and approved by the committee prior to being considered for ratification by either
80 board.

81 (4) Nothing in this part impairs or limits the authority of either board to take action within
82 the scope of its jurisdiction as established by the constitution or other statutory provisions.

83 (5) (a) The committee shall make an annual report on its activities to the Education Interim
84 Committee and the [~~Task Force on~~] Strategic Planning for Public and Higher Education
85 Committee prior to each General Session of the Legislature.

86 (b) The report shall include a detailed accounting on issues related to:

87 (i) the committee's applied technology education duties under this part and
88 recommendations received from the advisory committee and any ad hoc task force established
89 under Section 53A-1-502 as well as the committee's response to applied technology action plans

90 proposed by the [~~Task Force on~~] Strategic Planning for Public and Higher Education Committee;
91 and

92 (ii) the committee's review of and recommendations on teacher recruitment, preservice,
93 licensure, induction, professional development, and [~~inservice~~] evaluation issues.

94 (6) The joint liaison committee may establish ad hoc task forces to assist it in carrying out
95 its duties under this section.

96 Section 2. Section **53A-1-702** is amended to read:

97 **53A-1-702. Appropriations -- Allocations -- Contributions from school districts, the**
98 **business community, and technology vendors.**

99 (1) (a) The Legislature shall provide annual appropriations to help fund the technology
100 programs authorized in this part.

101 (b) The appropriations are nonlapsing.

102 (2) The appropriations are allocated as follows:

103 (a) the State Board of Education shall receive the amount appropriated under Section
104 53A-17a-131.1 for allocation to the state's school districts and distribute it in two parts:

105 (i) the board shall distribute the first part, 25% of the appropriation received under
106 Subsection (2)(a), equally among the state's school districts; and

107 (ii) the board shall distribute the second part, 75% of the appropriation, based on the ratio
108 of a district's average daily membership to the state total average daily membership;

109 (b) the State Board of Regents shall receive the amount appropriated to the state colleges
110 of education as a line item in the general appropriations act and distribute it based on each state
111 college's student teacher training enrollment FTE's as compared to the total student teacher training
112 enrollment FTE's for all state colleges of education.

113 (3) (a) Neither the State Board of Education nor the State Board of Regents may establish
114 rules that restrict school districts or colleges of education in their purchases of educational
115 technology under this part or use any of the money appropriated for this part for administrative or
116 overhead costs.

117 (b) The monies shall flow through the respective state boards directly to the school
118 districts and colleges, subject to any qualifications established under this part.

119 (c) These monies are to supplement and not supplant other state appropriations to school
120 districts and the colleges of education.

121 (4) (a) School districts may spend as much of the monies received under Subsection (2)
122 as they consider necessary and appropriate for [~~inservice training for~~] professional development
123 purposes required to implement and maintain the technology programs authorized under this part
124 and consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b).

125 (b) Subsection (4)(a) does not restrict school districts from spending or using additional
126 resources obtained under Subsections (5), (6), and (7) for [~~inservice training~~] professional
127 development purposes.

128 (5) School districts and colleges shall match state appropriations for the technology
129 programs on a one to three basis, that is one dollar in local resources for every three state dollars,
130 either through local funding efforts or through in-kind services, which may include providing an
131 infrastructure, planning services, training services, maintenance, or the use of technical assistance
132 specialists.

133 (6) (a) School districts, individual public schools, and public institutions of higher
134 education shall solicit contributions from and enter into partnerships with private business to
135 obtain additional resources for the technology programs authorized under this part.

136 (b) The Technology Initiative Project Office established under this part within the State
137 Office of Education shall solicit contributions for district technology programs from federal
138 sources.

139 (c) The additional resources obtained under this section shall remain with the respective
140 district, school, or institution as part of its technology program.

141 (d) Contributions made at the state level by private business or federal sources shall flow
142 to selected districts, schools, or colleges of education based on specific technology projects as
143 approved and selected by the Technology Initiative Project Office.

144 (7) Vendors who participate in the technology program shall make contributions to the
145 program in terms of vendor discounts, [~~inservice training~~] professional development opportunities,
146 and continuing support services under standards established by the Technology Initiative Project
147 Office.

148 (8) As used in this part, "school district" includes the School for the Deaf and the School
149 for the Blind.

150 Section 3. Section **53A-1-704** is amended to read:

151 **53A-1-704. Duties and responsibilities of the project office.**

- 152 (1) The Technology Initiative Project Office shall:
- 153 (a) review, approve, and update school district and college of education plans and reports
154 related to the technology programs authorized and funded under this part, incorporating broad,
155 objective, functional requirements and guidelines within the approval process;
- 156 (b) review and provide criteria on an ongoing basis for technology products to be used in
157 the programs, which criteria shall give consideration to at least any one or all of the following:
- 158 (i) technology that emphasizes instruction;
- 159 (ii) technology discounts, which may include installation and maintenance of a technology
160 product;
- 161 (iii) a sound ~~[inservice]~~ professional development component for educators consistent with
162 Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);
- 163 (iv) upgrading of options in the original technology, at the same discount rate as given in
164 the original purchase or lower for at least five years after the purchase of the original technology;
- 165 (v) technology of proven worth;
- 166 (vi) available technology evaluations;
- 167 (vii) submission of technology for evaluation by a committee of instructional software
168 users;
- 169 (viii) cost effectiveness of the technology being offered;
- 170 (ix) identification of discontinued technology;
- 171 (x) compatibility of the technology with other technology products, using industry-wide
172 standards; and
- 173 (xi) identification of the closest multiple sites and contact persons where the technology
174 is being used and can be observed;
- 175 (c) coordinate raising of funds from federal and private sources to supplement the
176 appropriation authorized under this part for technology programs in the public schools and colleges
177 of education;
- 178 (d) verify that an appropriate evaluation of each plan is included in the plan itself; and
- 179 (e) establish a technical review committee in the project office, consisting of volunteers
180 who have educational technology expertise and are not affiliated with any vendors participating
181 in the technology programs.
- 182 (2) (a) The State Board of Education in consultation with the joint liaison committee

183 established under Section 53A-1-501 shall appoint a director for the project office.

184 (b) The director serves at the pleasure of the state board.

185 (c) The director shall coordinate all educational technology initiative activities with the
186 Utah Education Network steering committee pursuant to Section 53B-17-104.

187 Section 4. Section **53A-1-705** is amended to read:

188 **53A-1-705. Educational technology plans -- Components -- Review and approval --**
189 **Reports.**

190 (1) (a) Each school district shall prepare and submit a plan to the project office for review
191 and approval of the district's proposed use of its technology allocation.

192 (b) The approval is of the plan and not of specific products or technology.

193 (c) Each district shall review and update its plan on an annual basis.

194 (2) The plan shall include the following components:

195 (a) the technology purchases to be made and proposed installation, maintenance, and
196 replacement costs;

197 (b) specific, focused educational goals and measurable academic objectives to be
198 accomplished in the district with the program, giving consideration to the respective size and needs
199 of both student and teacher populations;

200 (c) valid instructional strategies, including [~~inservice training~~] professional development
201 opportunities for teachers consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and
202 (b);

203 (d) procedures to optimize the cooperation of all levels of education in the program,
204 particularly in the planning process, including principals and teachers;

205 (e) methods to evaluate the program; and

206 (f) details of how the new technology will integrate with existing technology in the district.

207 (3) (a) Each college of education shall prepare and submit a plan to the project office for
208 review and approval of the proposed use of its appropriation.

209 (b) The plan shall focus on training teachers and prospective teachers to use the technology
210 which school districts may acquire under this part consistent with Subsections 53A-1a-104(7) and
211 53A-6-102(2)(a) and (b).

212 (c) Each college shall review and update its plan on an annual basis.

213 (4) A school district or college of education may not spend any of the monies appropriated

214 under this part until the plans for its technology program have been reviewed and approved by the
215 project office on an annual basis.

216 (5) (a) Each school district and college of education shall prepare and submit a yearly
217 report to the project office on the actual use of its allocation under this part.

218 (b) The reports shall include information on how the technology is being used to reach the
219 performance goals established under Subsections (2)(b) and (4) and the progress on attaining the
220 goals.

221 (c) The district or college of education shall submit the report by December 31 of each year
222 and send a copy of the report to the governor and the Legislature.

223 (d) (i) The project office shall annually review and approve the plans submitted by school
224 districts and colleges of education under this section.

225 (ii) The project office shall review each component of the plans as required under this
226 section and recommend approval or revision.

227 (e) The project office shall make regular reports to the Education Interim Committee of
228 the Legislature on the status of the programs authorized under this part.

229 Section 5. Section **53A-1a-104** is amended to read:

230 **53A-1a-104. Characteristics of public education system.**

231 The Legislature shall assist in maintaining a public education system that has the following
232 characteristics:

233 (1) assumes that all students have the ability to learn and that each student departing the
234 system will be prepared to achieve success in productive employment, further education, or both;

235 (2) provides a personalized education plan or personalized education occupation plan for
236 each student, which involves the student, the student's parent or guardian, and school personnel
237 in establishing the plan;

238 (3) provides students with the knowledge and skills to take responsibility for their
239 decisions and to make appropriate choices;

240 (4) provides opportunities for students to exhibit the capacity to learn, think, reason, and
241 work effectively, individually and in groups;

242 (5) offers a world-class curriculum that enables students to successfully compete in a
243 global society, and to succeed as citizens of a constitutional republic;

244 (6) incorporates an information retrieval system that provides students, parents, and

245 educators with reliable, useful, and timely data on the progress of each student;

246 (7) attracts, prepares, inducts, and retains excellent teachers for every classroom in large
247 part through collaborative efforts among the State Board of Education, the State Board of Regents,
248 and school districts, provides effective ongoing professional development opportunities for
249 teachers to improve their teaching skills, and provides recognition, rewards, and compensation for
250 their excellence;

251 (8) empowers each school district and public school to create its own vision and plan to
252 achieve results consistent with the objectives outlined in this chapter;

253 (9) uses technology to improve teaching and learning processes and for the delivery of
254 educational services;

255 (10) promotes ongoing research and development projects at the district and the school
256 level that are directed at improving or enhancing public education;

257 (11) offers a public school choice program, which gives students and their parents options
258 to best meet the student's personalized education needs; and

259 (12) emphasizes the involvement of educators, parents, business partnerships, and the
260 community at large in the educational process by allowing them to be involved in establishing and
261 implementing educational goals and participating in decision-making at the school site.

262 Section 6. Section **53A-1a-107** is amended to read:

263 **53A-1a-107. State Board of Education assistance to districts and schools.**

264 (1) In order to assist school districts and individual schools in acquiring and maintaining
265 the characteristics set forth in Section 53A-1a-104, the State Board of Education shall:

266 (a) provide the framework for an education system, including core competencies and their
267 assessment, in which school districts and public schools permit students to advance by
268 demonstrating competency in subject matter and mastery of skills;

269 (b) assist school districts in establishing policies for the effective implementation of
270 student education plans and student education/occupation plans required under Subsection
271 53A-1a-106(2)(b);

272 (c) develop and disseminate a state model curriculum, structured to incorporate the
273 concepts of quality versus quantity, depth versus breadth, subject integration and application,
274 applied thinking skills, character development, and a global prospective, which districts and
275 schools may use to assist teachers in helping students acquire the competencies and skills required

276 to advance through the public education system, and periodically review and, if appropriate, revise
277 the curriculum;

278 (d) conduct a statewide public awareness program on competency-based educational
279 systems;

280 (e) compile and publish, for the state as a whole, a set of educational performance
281 indicators describing trends in student performance;

282 (f) promote a public education climate of high expectations and academic excellence;

283 (g) disseminate successful site-based decision-making models to districts and schools and
284 provide [~~inservice~~] teacher professional development opportunities and evaluation programs for
285 site-based plans consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b);

286 (h) provide a mechanism for widespread dissemination of information about strategic
287 planning for public education, including involvement of business and industry in the education
288 process, in order to ensure the understanding and support of all the individuals and groups
289 concerned with the mission of public education as outlined in Section 53A-1a-103;

290 (i) provide for a research and development clearing house at the state level to receive and
291 share with school districts and public schools information on effective and innovative practices
292 and programs in education;

293 (j) help school districts develop and implement guidelines, strategies, and [~~inservice~~]
294 professional development programs for administrators and teachers consistent with Subsections
295 53A-1a-104(7) and 53A-6-102(2)(a) and (b) focused on improving interaction with parents and
296 promoting greater parental involvement in the public schools; and

297 (k) in concert with the State Board of Regents and the state's colleges of education review
298 and revise teacher [~~certification~~] licensing requirements to be consistent with teacher preparation
299 for participation in personalized education programs within the public schools.

300 (2) (a) The board shall make an annual report to the Legislature on its activities under this
301 section.

302 (b) The reporting process shall involve participation from school districts and schools in
303 helping to evaluate how well the board has assisted the schools and school districts.

304 Section 7. Section **53A-1a-403** is amended to read:

305 **53A-1a-403. Selection of schools -- Funding -- Incentive awards.**

306 (1) The State Board of Education and local school boards, in collaboration with the

307 governor's office, shall develop and implement application procedures and a process for the
308 selection of up to 60 schools each year over a three-year period for participation in the Schools for
309 the 21st Century Program authorized under this part.

310 (2) Selected schools shall participate in the program and be eligible for funding for three
311 consecutive years.

312 (3) (a) The Legislature shall provide an annual appropriation to fund the program.

313 (b) The board, through the State Office of Education, shall administer and distribute the
314 appropriation in the following manner:

315 (i) each school selected as a first-year participant shall receive a base amount of either
316 \$5,000 or \$10,000 depending on the size of the school;

317 (ii) each first-year school shall also receive an additional per student allocation of up to
318 \$27, based upon the number of students as of October 1 in the program as related to the amount
319 of appropriation available for distribution after the base amount has been calculated for all the
320 schools participating on a first-year basis under Subsection (3)(b)(i);

321 (iii) each school in its second year shall receive \$9 per student and be eligible to receive
322 an incentive award based upon its achievement of second-year goals; and

323 (iv) each school in its third year shall be eligible to receive major incentive awards based
324 upon achievement of third-year goals.

325 (c) (i) The board shall determine the amount of incentive award money given to schools
326 under Subsections (3)(b)(iii) and (iv) on the basis of goal attainment and student enrollment, with
327 a minimum threshold of 50% attainment of goals for second-year schools and a minimum
328 threshold of 60% attainment for third-year schools in order to receive a portion of the award
329 money.

330 (ii) It is estimated that the incentive award money generated for successful second-year
331 schools would be up to \$500 per licensed professional staff member at each participating school
332 and increase to up to \$2,000 per licensed professional staff member for each successful third-year
333 school.

334 (d) (i) First-year schools shall use their allocations for program development,
335 implementation, and evaluation, technical assistance, and teacher professional development,
336 consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), including the
337 establishment of performance goals and identification of a system of measurement and evaluation.

338 (ii) (A) Second-year schools shall use their per student allocations for continuing program
339 operation, modification, and evaluation.

340 (B) If participating schools meet the threshold established in Subsection (3)(c)(i), based
341 upon documentation of the school's progress provided to the board by the school, the appropriate
342 share of incentive award money shall be distributed each year at the school level as determined by
343 the school directors.

344 (C) The distribution may include giving award shares to the school as a whole or to
345 individual programs at the school or to professional staff members or any combination of these
346 options.

347 (iii) Third-year schools shall receive all appropriate incentive moneys under the program
348 based on year-end evaluation of goal attainment and shall distribute it on the same basis as
349 second-year schools distribute incentive award money under Subsections (3)(d)(ii)(B) and (C).

350 Section 8. Section **53A-3-402.9** is amended to read:

351 **53A-3-402.9. Assessment of emerging and early reading skills -- Resources provided**
352 **by school districts.**

353 (1) The Legislature recognizes that well-developed reading skills help:

354 (a) children to succeed in school, develop self esteem, and build positive relationships with
355 others;

356 (b) young adults to become independent learners; and

357 (c) adults to become and remain productive members of a rapidly changing
358 technology-based society.

359 (2) (a) Therefore, as part of a kindergarten student's first student education plan, the
360 student's parent or guardian, the student, and kindergarten personnel at the student's school shall
361 participate in an assessment of the student's reading and numeric skills.

362 (b) The assessment shall take place no later than during the first two weeks of the school
363 year.

364 (c) The State Office of Education, in cooperation with the state's school districts, shall
365 develop the assessment instrument and any additional materials needed to implement and
366 supplement the assessment program.

367 (3) The kindergarten student's teacher shall use the assessment in planning and developing
368 an instructional program to meet the student's identified needs.

369 (4) Based on the assessment under Subsection (2), the school shall provide the student's
370 parent or guardian with appropriate resource materials to assist them at home in the student's
371 literacy development.

372 (5) The State Office of Education shall collect, review, and provide to school districts the
373 assessment data generated under Subsection (2) in order to:

374 (a) provide information to develop a personalized instructional program based on student
375 needs;

376 (b) improve teacher ~~[inservice]~~ professional development and preservice programs and
377 strategies that are consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b) and
378 related to teaching reading and numeric skills; and

379 (c) evaluate the effectiveness of reading readiness for students entering the first grade.

380 (6) In conjunction with the assessment program established under this section, school
381 districts shall annually evaluate the need to use part of their Title 1 funds for preschool literacy
382 programs.

383 Section 9. Section **53A-3-402.10** is amended to read:

384 **53A-3-402.10. Reading Skills Development Center -- Purpose.**

385 (1) The Legislature recognizes the critical importance of identifying, assessing, and
386 assisting students with reading difficulties at an early age in order for them to have successful and
387 productive school and life experiences.

388 (2) In order to help accomplish this, there is established a Reading Skills Development
389 Center, hereafter referred to as the "center," at the University of Utah to:

390 (a) assist school districts in detecting reading difficulties in students in the early grades;
391 and

392 (b) provide instructional intervention to enable the students to overcome their reading
393 difficulties.

394 (3) (a) The center shall assist school districts by providing expertise in the assessment of
395 reading difficulties and designing effective instructional interventions to overcome those
396 difficulties.

397 (b) The assessment and intervention programs shall focus primarily on grades one through
398 three in order to correct any detected difficulties by the end of the third grade, but assessment and
399 instructional intervention services shall be available to public education students of all ages.

400 (c) School districts may use the assessment and intervention programs on site at the center,
401 at the student's school, or by using interactive technology.

402 (4) (a) [~~The~~] Consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
403 center shall provide school districts with a professional development program for reading
404 endorsements that can be added to active elementary certificates.

405 (b) Each school district may allow its teachers to participate in the program through:

406 (i) programs taught on-site at local schools;

407 (ii) distance education with videotaped classes and on-site facilitators; and

408 (iii) interactive delivery by computers and video.

409 (c) Each school district may use this professional teacher development program in an effort
410 to place at least one reading specialist in each of its elementary schools.

411 (5) The center shall provide school district administrators, school administrators, and
412 school teachers with the most current research-based knowledge about reading and reading
413 instruction through nationally and internationally recognized reading researchers and instructional
414 specialists.

415 Section 10. Section **53A-6-102** is amended to read:

416 **53A-6-102. Legislative findings on teacher quality -- Declaration of education as a**
417 **profession -- Annual report.**

418 (1) (a) The Legislature acknowledges that education is perhaps the most important function
419 of state and local governments, recognizing that the future success of our state and nation depend
420 in large part upon the existence of a responsible and educated citizenry.

421 (b) The Legislature further acknowledges that the primary responsibility for the education
422 of children within the state resides with their parents or guardians and that the role of state and
423 local governments is to support and assist parents in fulfilling that responsibility.

424 (2) (a) The Legislature finds that:

425 (i) quality teaching is the basic building block of successful schools and, outside of home
426 and family circumstances, the essential component of student achievement;

427 (ii) the high quality of teachers is absolutely essential to enhance student achievement and
428 to assure educational excellence in each classroom in the state's public schools; and

429 (iii) the implementation of a comprehensive continuum of data-driven strategies regarding
430 recruitment, preservice, licensure, induction, professional development, and evaluation is essential

431 if the state and its citizens expect every classroom to be staffed by a skilled, caring, and effective
 432 teacher.

433 (b) In providing for the safe and effective performance of the function of educating Utah's
 434 children, the Legislature further finds it to be of critical importance that education, including
 435 instruction, administrative, and supervisory services, be recognized as a profession, and that those
 436 who are licensed or seek to become licensed and to serve as educators:

437 [~~(a)~~] (i) meet high standards both as to qualifications and fitness for service as educators
 438 through quality recruitment and preservice programs before assuming their responsibilities in the
 439 schools;

440 [~~(b)~~] (ii) maintain those standards in the performance of their duties while holding licenses,
 441 in large part through participating in induction and ongoing professional development programs
 442 focused on instructional improvement; [and]

443 (iii) receive fair, systematic evaluations of their performance at school for the purpose of
 444 enhancing the quality of public education and student achievement; and

445 [~~(c)~~] (iv) have access to a process for fair examination and review of allegations made
 446 against them and for the administration of appropriate sanctions against those found, in accordance
 447 with due process, to have failed to conduct themselves in a manner commensurate with their
 448 authority and responsibility to provide appropriate professional services to the children of the state.

449 (3) The State Board of Education and the State Board of Regents shall make an annual
 450 report to the Legislature through the Education Interim Committee on the status of teacher quality
 451 in the state based on the continuum referred to in Subsection (2)(a)(iii), to include adequate and
 452 reliable data on the state's supply of and demand for teachers.

453 Section 11. Section **53A-6-104** is amended to read:

454 **53A-6-104. Board licensure.**

455 (1) (a) The board may issue licenses for educators.

456 (b) (i) A person employed in a position that requires licensure by the board shall hold the
 457 appropriate license.

458 (ii) The board shall issue a letter of authorization permitting a person to be employed as
 459 a classroom teacher if requested by a local school board which has determined that:

460 (A) the person has outstanding professional qualifications; and

461 (B) employment of the person would permit the school district to better meet the

462 educational goals of students.

463 (2) (a) The board may by rule rank, endorse, or otherwise classify licenses and establish
464 the criteria for obtaining and retaining licenses.

465 (b) ~~[The]~~ Consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
466 board shall make rules requiring participation in professional development activities in order for
467 educators to retain their licenses.

468 (3) Unless suspended or revoked by the board, or surrendered by the educator, a license
469 is valid for the following period:

470 (a) a letter of authorization is valid for one year, or a shorter period as specified by the
471 board, subject to renewal by the board for a total of not more than four years of full-time
472 equivalent employment;

473 (b) a level 1 license is valid for three years, subject to renewal by the board for a total of
474 not more than six years;

475 (c) a level 2 license is valid for five years, subject to renewal by the board; and

476 (d) a level 3 license is valid for seven years, subject to renewal by the board.

477 Section 12. Section **53A-8-104** is amended to read:

478 **53A-8-104. Dismissal procedures.**

479 (1) The district shall provide employees with a written statement of causes under which
480 a career employee's contract may not be renewed or continued beyond the then-current school year,
481 under which a contract of each class of personnel may not be renewed or continued beyond the
482 then-current school year, and under which a contract can be otherwise terminated during the
483 contract term, and the orderly dismissal procedures which are used by the district in cases of
484 contract termination, discontinuance, or nonrenewal.

485 (2) (a) If the district intends to terminate a contract during its term or discontinue a career
486 employee's contract beyond the then current school year for reasons of unsatisfactory performance,
487 the unsatisfactory performance must be documented in at least two evaluations conducted at any
488 time within the preceding three years in accordance with district policies or practices.

489 (b) The district shall notify a career employee, at least 30 days prior to issuing notice of
490 intent not to renew or continue the employee's contract beyond the then-current school year, that
491 continued employment is in question and the reasons for the anticipated nonrenewal or
492 discontinuance.

493 (c) The board shall give the career employee an opportunity to correct the problem in
494 accordance with the district evaluation policies.

495 (d) The board may grant the career employee assistance to correct the deficiencies,
496 including informal conferences and the services of school personnel within the district consistent
497 with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b).

498 (3) (a) If the career employee does not correct the problem as determined in accordance
499 with the evaluation and personnel policies of the district and the district intends to not renew or
500 discontinue the contract of employment of a career employee at the end of the then-current school
501 year, it shall give notice of that intention to the employee.

502 (b) The district shall issue the notice at least 30 days before the end of the career
503 employee's contract term.

504 (4) A district shall notify a provisional employee at least 60 days before the end of the
505 provisional employee's contract if the employee will not be offered a contract for a subsequent
506 term of employment.

507 (5) In the absence of a notice, an employee is considered employed for the next contract
508 term with a salary based upon the salary schedule applicable to the class of employee into which
509 the individual falls.

510 (6) If the district intends to not renew or discontinue the contract of a career employee or
511 to terminate a career or provisional employee's contract during the contract term:

512 (a) the district shall give written notice of the intent to the employee;

513 (b) the notice shall be served by personal delivery or by certified mail addressed to the
514 individual's last-known address as shown on the records of the district;

515 (c) except as provided under Subsection (3)(b), the district shall give notice at least 15 days
516 prior to the proposed date of termination;

517 (d) the notice shall state the date of termination and the detailed reasons for termination;
518 and

519 (e) the notice shall advise the individual that he has a right to a fair hearing; and

520 (f) the notice shall state that failure of the employee to request a hearing in accordance
521 with procedures set forth in the notice constitutes a waiver of that right and that the district may
522 then proceed with termination without further notice.

523 (7) The procedure under which a contract is terminated during its term may include a

524 provision under which the active service of the employee is suspended pending a hearing if it
 525 appears that the continued employment of the individual may be harmful to students or to the
 526 district.

527 (8) (a) Suspension pending a hearing may be without pay if an authorized representative
 528 of the district determines, after providing the employee with an opportunity for an informal
 529 conference to discuss the allegations, that it is more likely than not that the allegations against the
 530 employee are true and will result in termination.

531 (b) If termination is not subsequently ordered, the employee shall receive back pay for the
 532 period of suspension without pay.

533 (9) The procedure shall provide for a written notice of suspension or final termination
 534 including findings of fact upon which the action is based if the suspension or termination is for
 535 cause.

536 Section 13. Section **53A-9-103** is amended to read:

537 **53A-9-103. Authorized components.**

538 Career ladders may include the following components:

539 (1) (a) [~~A career ladder may have an~~] An extended contract year for teachers, providing
 540 for additional paid nonteaching days beyond the regular school year for curriculum development[~~;~~
 541 ~~inservice training, preparation, and related~~] and other professional development activities.

542 (b) School boards may approve individual exceptions to the extended year contract.

543 (2) [~~It may have, at~~] At the option of the local school board, an extended contract year for
 544 teachers, providing for additional paid workdays beyond the regular school year for teaching
 545 assignments in summer school, remedial, handicapped, specialized, [~~vocational~~] applied
 546 technology, gifted and talented, and adult education programs.

547 (3) [~~It may have a~~] A fair and consistent procedure:

548 (a) for selecting teachers who will be given additional responsibilities[~~. The selection~~
 549 ~~procedure shall incorporate~~]; and

550 (b) which incorporates clearly stated job descriptions and qualifications for each level on
 551 the career ladder.

552 (4) [~~It may have a~~] A program of differentiated staffing that provides additional
 553 compensation and, as appropriate, additional extensions of the contract year, for those who assume
 554 additional instruction-related responsibilities such as:

- 555 (a) assisting students and mentoring beginning teachers;
- 556 (b) curriculum and lesson plan development;
- 557 (c) helping established teachers improve their teaching skills;
- 558 (d) volunteer training;
- 559 (e) planning, facilities and productivity improvements; and
- 560 (f) educational assignments directed at establishing positive relationships with the
- 561 community, businesses, and parents.

562 Administrative and extracurricular activities are not considered additional

563 instruction-related activities under this Subsection (4).

564 (5) (a) ~~[It may have a]~~ A well defined program of evaluation and ~~[guidance]~~ mentoring for

565 beginning teachers, consistent with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b),

566 designed to assist those teachers during provisional years of teaching to acquire and demonstrate

567 the skills required of capable, successful teachers.

568 (b) Continuation in teaching from year to year shall be contingent upon satisfactory

569 teaching performance.

570 (6) ~~[It may have a]~~ A clear and concise explanation of the evaluation system components,

571 including the respective roles of parents, teachers, administrators, and the school board in the

572 development of the evaluation system~~[- The system shall provide]~~ and provisions for frequent,

573 comprehensive evaluations of teachers with less than three years' teaching experience~~[-]~~ and

574 periodic evaluations of other teachers consistent with Subsections 53A-1a-104(7) and

575 53A-6-102(2)(a) and (b).

576 (7) (a) ~~[Advancement]~~ A program of advancement on the career ladder ~~[program is]~~

577 contingent upon effective teaching performance, evidence of which may include formal evaluation

578 and assessment of student progress.

579 (b) Student progress shall play a significant role in teacher evaluation.

580 (c) Other criteria may include formal preparation and successful teaching experience.

581 (8) ~~[It may include an]~~ An assessment of implementation costs.

582 (9) ~~[It may have a]~~ A plan for periodic review of the career ladder, including the makeup

583 of the reviewing entity, procedures to be followed during review, and the time schedule for the

584 review.

585 Section 14. Section **53A-10-101** is amended to read:

586 **53A-10-101. Legislative findings.**

587 (1) The Legislature recognizes that the quality of public education can be improved and
588 enhanced by providing for systematic, fair, and competent evaluation of public educators and
589 remediation of those whose performance is inadequate. ~~[The]~~

590 (2) In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
591 desired purposes of evaluation are to allow the educator and the school district to promote the
592 professional growth of the teacher, to identify and encourage ~~[teacher behaviors]~~ teaching
593 strategies which contribute to student progress, to identify teachers according to their abilities, and
594 to improve the education system.

595 Section 15. Section **53A-10-108** is amended to read:

596 **53A-10-108. Mentor for provisional educator.**

597 (1) ~~[The]~~ In accordance with Subsections 53A-1a-104(7) and 53A-6-102(2)(a) and (b), the
598 principal or immediate supervisor of a provisional educator shall assign a ~~[consulting educator]~~
599 mentor to the provisional educator.

600 (2) ~~[H]~~ Where possible, the ~~[consulting educator]~~ mentor shall be a career educator who
601 performs substantially the same duties as the provisional educator and has at least three years of
602 educational experience.

603 (3) The ~~[consulting educator]~~ mentor shall assist the provisional educator to become
604 ~~[informed about]~~ effective and competent in the teaching profession and school system, but may
605 not serve as an evaluator of the provisional ~~[teacher]~~ educator.

606 Section 16. Section **53A-10-111** is amended to read:

607 **53A-10-111. Additional compensation for services.**

608 The district may compensate a person employed as a ~~[consulting educator]~~ mentor under
609 Section 53A-10-108 or participant in the evaluation for those services, in addition to the person's
610 regular salary, if additional time is required in the evaluation process.

611 Section 17. Section **53B-10-101** is amended to read:

612 **53B-10-101. Terrill H. Bell Teaching Incentive Loans program -- Eligible students**
613 **-- Cancellation of incentive loans -- Repayment by recipient who fails to meet requirements**
614 **-- Duration of incentive loans.**

615 (1) (a) A ~~[Utah Career Teaching Scholarship]~~ Terrill H. Bell Teaching Incentive Loans
616 program is established to recruit and train superior candidates for teaching in Utah's public school

617 system as a component of the teacher quality continuum referred to in Subsections 53A-1a-104(7)
618 and 53A-6-102(2)(a).

619 (b) Under the program, [~~scholarships~~] the incentive loans may be used in any of Utah's
620 state-operated institutions of higher education or at a private institution of higher education in Utah
621 that offers a state-approved teacher education program.

622 (2) (a) [~~Scholarships are awarded~~] The State Board of Education and the State Board of
623 Regents shall jointly award the incentive loans to students who declare an intent to complete the
624 prescribed course of instruction required for a teaching [~~certificate~~] license and to teach in the
625 public schools of this state.

626 (b) The [~~scholarship~~] incentive loan may be canceled at any time by the institution of
627 attendance if:

628 (i) the student fails to make reasonable progress towards completion of [~~certification~~]
629 licensing requirements; or

630 (ii) it appears to be a reasonable certainty that the student does not intend to teach in Utah.

631 (b) The State Board of Regents and the State Board of Education may grant leaves of
632 absence to [~~scholarship~~] incentive loan holders.

633 (3) The State Board of Regents and State Board of Education may require [~~a scholarship~~]
634 an incentive loan recipient who fails to complete the requirements for [~~certification~~] licensing
635 without good cause to repay all tuition and fees provided by the [~~scholarship~~] loan, together with
636 appropriate interest.

637 (4) (a) The State Board of Education may require [~~a scholarship~~] an incentive loan
638 recipient who does not teach in the state's public school system within two years after graduation
639 to repay all tuition and fees provided by the [~~scholarship~~] loan, together with appropriate interest,
640 unless waived for good cause.

641 (b) (i) A recipient who does not teach for a term equal to the number of years of the
642 [~~scholarship~~] incentive loan within a reasonable period of time after graduation shall repay a
643 graduated portion of the tuition and fees based upon the uncompleted term.

644 (ii) One year of teaching is credit for one year's tuition and fees.

645 (c) All repayments made under this Subsection (4) are for use in the [~~Utah Career Teaching~~
646 ~~Scholarship~~] Terrill H. Bell Teaching Incentive Loans program.

647 (5) (a) Each [~~scholarship~~] incentive loan is valid for up to four years of full-time equivalent

648 enrollment, or until requirements for [~~certification~~] licensing have been met, whichever is shorter.

649 (b) (i) [~~Scholarships~~] Incentive loans apply to both tuition and fees in amounts and are
 650 subject to conditions approved by the State Board of Regents and State Board of Education, based
 651 upon criteria developed to insure that all recipients of [~~scholarships~~] the loans will pursue a
 652 teaching career in Utah's public [~~school~~] education system.

653 (ii) [~~A scholarship~~] An incentive loan for tuition and fees at a private institution may not
 654 exceed the average scholarship amounts granted for tuition and fees at public institutions of higher
 655 education within the state.

656 (c) [~~Scholarships are~~] Incentive loans shall be awarded in accordance with prioritized
 657 critical areas of need for teaching expertise within the [~~state~~] state's public [~~school~~] education
 658 system as determined by the State Board of Education.

659 Section 18. Section **53B-10-102** is amended to read:

660 **53B-10-102. Number of incentive loans -- Criteria for awarding -- Additional**
 661 **awards.**

662 (1) (a) A total of 365 [~~Utah Career Teaching Scholarships are~~] Terrill H. Bell Teaching
 663 Incentive Loans shall be maintained each year in accordance with criteria and procedures
 664 established by the State Board of Education and State Board of Regents.

665 (b) The number of incentive loans to be awarded shall be reviewed annually based on the
 666 need to prepare individuals to teach as determined by the supply of and demand for teachers in the
 667 state's public education system.

668 (2) These [~~scholarships are~~] incentive loans shall be awarded in the following categories
 669 and numbers:

670 (a) up to 200 [~~scholarships~~] incentive loans for persons who were originally awarded their
 671 [~~scholarships~~] loans as high school juniors and seniors selected through statewide competition; and

672 (b) up to 165 [~~scholarships~~] incentive loans for persons who have successfully completed
 673 not less than the equivalent of [~~three quarters~~] two semesters of formal higher education study.

674 [~~(2)~~] (3) (a) Additional awards may be given each year to a limited number of scholarship
 675 holders to include the following:

676 [~~(a)~~] (i) 20 state-funded premier scholarships, which provide an additional \$3,000 per year
 677 for winners of a widely publicized statewide competition[~~. State funds support 20 premier~~
 678 ~~scholarships each year~~], but the number may be increased through private donations; and

679 ~~(b)~~ (ii) 100 supplementary stipends paying ~~[\$500]~~ \$750 per ~~[quarter]~~ semester, available
 680 each year for students granted scholarships under Subsection (1)(b) who declare an intent to
 681 ~~[certify]~~ be licensed in areas of critical teacher shortage as determined by the State Board of
 682 Education.

683 (b) Subsection (1)(b) applies to the awards made under Subsection (3)(a).

684 Section 19. Section **53B-10-103** is amended to read:

685 **53B-10-103. Incentive loan appropriation -- Administration of incentive loan fund.**

686 (1) The Legislature shall annually appropriate to the ~~[Utah Career Teaching Scholarship~~
 687 ~~Fund]~~ Terrill H. Bell Teaching Incentive Loans Fund, as a budget line item for the State Board of
 688 Regents, sufficient funds to support the scholarships established in Section 53B-10-102.

689 (2) The ~~[Utah Career Teaching Scholarship Fund is administered by the State Board of~~
 690 ~~Regents]~~ State Board of Regents shall administer the Terrill H. Bell Teaching Incentive Loans
 691 Fund in accordance with criteria, policies, and procedures established by the board and the State
 692 Board of Education.

Legislative Review Note

as of 11-30-00 3:44 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Education Interim Committee recommended this bill.